

Ortiz Radanovich Tauzin  
Paul Slaughter Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (Mr. SIMPSON (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1809

Messrs. THOMPSON of Mississippi, ABERCROMBIE, DEFAZIO, and DINGELL changed their vote from “yea” to “nay.”

Mr. COLE, Mr. DOOLEY of California, Ms. LINDA T. SANCHEZ of California, and Mr. SAM JOHNSON of Texas changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 524, I was in my Congressional District on official business. Had I been present, I would have voted “nay.”

Mr. BASS. Mr. Speaker, on Friday, October 8, 2004, I regrettably missed recorded vote numbered 524. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### MOTION TO INSTRUCT CONFEREES ON S. 2845, NATIONAL INTELLIGENCE REFORM ACT OF 2004

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on S. 2845, on which further proceedings were postponed earlier today.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 169, nays 229, not voting 34, as follows:

[Roll No. 525]

YEAS—169

Abercrombie	Cardoza	Etheridge
Ackerman	Carson (IN)	Evans
Allen	Clyburn	Farr
Andrews	Conyers	Fattah
Baca	Cooper	Frost
Baird	Crowley	Gonzalez
Baldwin	Cummings	Green (TX)
Becerra	Davis (AL)	Grijalva
Bell	Davis (CA)	Gutierrez
Berkley	Davis (FL)	Harman
Berman	Davis (IL)	Hastings (FL)
Berry	DeGette	Herseth
Bishop (GA)	Delahunt	Hinchey
Bishop (NY)	DeLauro	Hoeffel
Blumenauer	Deutsch	Holden
Boswell	Dicks	Holt
Brady (PA)	Dingell	Honda
Brown (OH)	Doggett	Hooley (OR)
Brown, Corrine	Dooley (CA)	Hoyer
Butterfield	Doyle	Inslee
Capps	Emanuel	Israel
Capuano	Engel	Jackson (IL)
Cardin	Eshoo	

Jackson-Lee (TX)	Millender-McDonald	Sanders
Jefferson	Miller (NC)	Sandin
Johnson, E. B.	Miller, George	Schakowsky
Jones (OH)	Mollohan	Schiff
Kanjorski	Moran (VA)	Scott (GA)
Kennedy (RI)	Murtha	Scott (VA)
Kildee	Nadler	Serrano
Kilpatrick	Napolitano	Sherman
Kind	Neal (MA)	Skelton
Klecza	Oberstar	Smith (WA)
Kolbe	Obey	Snyder
Kucinich	Oliver	Solis
Lampson	Owens	Spratt
Langevin	Pallone	Stark
Lantos	Pascarella	Strickland
Larsen (WA)	Pastor	Stupak
Larson (CT)	Payne	Tauscher
Leach	Pelosi	Thompson (CA)
Lee	Pomeroy	Thompson (MS)
Levin	Price (NC)	
Lewis (GA)	Rahall	Tierney
Lofgren	Rangel	Udall (CO)
Lowe	Reyes	Udall (NM)
Lynch	Rodriguez	Van Hollen
Maloney	Ross	Velázquez
McCarthy (MO)	Rothman	Visclosky
McCarthy (NY)	Royal-Allard	Watson
McCollum	Ruppersberger	Watt
McDermott	Rush	Waxman
McGovern	Ryan (OH)	Weiner
McNulty	Sabo	Wexler
Meehan	Sánchez, Linda T.	Wilson (NM)
Menendez	Sanchez, Loretta	Woolsey
Michaud		Wu
		Wynn

NAYS—229

Aderholt	Dunn	Lewis (CA)
Akin	Edwards	Lewis (KY)
Alexander	Ehlers	Linder
Bachus	Emerson	LoBiondo
Baker	English	Lucas (KY)
Barrett (SC)	Everett	Lucas (OK)
Bartlett (MD)	Feeney	Manzullo
Barton (TX)	Ferguson	Marshall
Beauprez	Flake	Matheson
Biggert	Foley	McCotter
Bilirakis	Forbes	McCrery
Bishop (UT)	Fossella	McHugh
Blackburn	Franks (AZ)	McInnis
Blunt	Frelinghuysen	McIntyre
Boehner	Garrett (NJ)	McKeon
Bonilla	Gerlach	Mica
Bonner	Gibbons	Miller (FL)
Bono	Gilchrest	Miller (MI)
Boozman	Gillmor	Moore
Boucher	Gingrey	Moran (KS)
Boyd	Goode	Murphy
Bradley (NH)	Goodlatte	Musgrave
Brady (TX)	Gordon	Myrick
Brown (SC)	Granger	Nethercutt
Brown-Waite	Graves	Neugebauer
Ginny	Green (WI)	Ney
Burgess	Gutknecht	Northup
Burns	Hall	Nunes
Burr	Harris	Nussle
Buyer	Hart	Osborne
Calvert	Hastings (WA)	Ose
Camp	Hayes	Otter
Cannon	Hayworth	Oxley
Cantor	Hefley	Pearce
Capito	Hensarling	Pence
Carson (OK)	Herger	Peterson (MN)
Carter	Hill	Peterson (PA)
Case	Hobson	Petri
Castle	Hoekstra	Pickering
Chabot	Hostettler	Pitts
Chandler	Houghton	Platts
Chocola	Hulshof	Pombo
Coble	Hunter	Porter
Cole	Hyde	Portman
Costello	Isakson	Pryce (OH)
Cox	Istook	Putnam
Cramer	Jenkins	Quinn
Crane	John	Ramstad
Crenshaw	Johnson (CT)	Regula
Cubin	Johnson (IL)	Rehberg
Culberson	Johnson, Sam	Renzi
Cunningham	Keller	Reynolds
Davis (TN)	Kelly	Rogers (AL)
Davis, Jo Ann	Kennedy (MN)	Rogers (KY)
Davis, Tom	King (IA)	Rogers (MI)
Deal (GA)	King (NY)	Rohrabacher
DeLay	Kingston	Ros-Lehtinen
DeMint	Kirk	Royce
Diaz-Balart, M.	Kline	Ryan (WI)
Doolittle	Knollenberg	Ryun (KS)
Dreier	Latham	Saxton
Duncan	LaTourette	Schrock

Sensenbrenner	Stenholm	Upton
Sessions	Sullivan	Vitter
Shadegg	Sweeney	Walden (OR)
Shaw	Tancredo	Walsh
Shays	Tanner	Wamp
Sherwood	Taylor (MS)	Weldon (FL)
Shimkus	Taylor (NC)	Weldon (PA)
Shuster	Terry	Weller
Simmons	Thomas	Whitfield
Simpson	Thornberry	Wicker
Smith (MI)	Tiahrt	Wilson (SC)
Smith (NJ)	Tiberi	Wolf
Smith (TX)	Toomey	Young (AK)
Souder	Turner (OH)	Young (FL)
Stearns	Turner (TX)	

NOT VOTING—34

Ballenger	Gephardt	Meeks (NY)
Bass	Greenwood	Miller, Gary
Boehlert	Hinojosa	Norwood
Burton (IN)	Issa	Ortiz
Clay	Jones (NC)	Paul
Collins	Kaptur	Radanovich
DeFazio	LaHood	Slaughter
Diaz-Balart, L.	Lipinski	Tauzin
Filner	Majette	Towns
Ford	Markey	Waters
Frank (MA)	Matsui	
Gallegly	Meek (FL)	

□ 1835

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 525, I was in my congressional district on official business. Had I been present, I would have voted “yea.”

Stated against:

Mr. BASS. Mr. Speaker, on Friday, October 8, 2004, I regrettably missed recorded vote numbered 525, Had I been present, I would have voted “nay.”

#### PRIVILEGES OF THE HOUSE—SPECIAL COUNSEL TO INVESTIGATE ACTIONS OF REPUBLICAN MAJORITY LEADER

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 845) for a special counsel to investigate the actions of the Republican majority leader and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 845

Whereas, in May of 1999, the Committee on Standards of Official Conduct, by letter, admonished Representative Tom DeLay for his conduct in connection with a threat of retribution against an organization for hiring a person connected to the Democratic Party;

Whereas, on September 30, 2004, the Committee on Standards of Official Conduct publicly admonished Mr. DeLay for improperly linking support for the personal interests of another Member as part of a quid pro quo to achieve a legislative goal;

Whereas, on October 6, 2004, the Committee on Standards of Official Conduct publicly admonished Mr. DeLay for his participation in a fundraiser that created an appearance that donors were being provided special access to him regarding then pending energy legislation;

Whereas, on October 6, 2004, the Committee on Standards of Official Conduct publicly admonished Mr. DeLay for intervening in a

partisan conflict in the Texas House of Representatives using the resources of a Federal agency;

Whereas, on October 6, 2004, the Committee on Standards of Official Conduct, in a letter to Mr. DeLay, noted that it had found it necessary to comment on his conduct in a number of instances and reminded Mr. DeLay the "House Code of Official Conduct provides the Committee with authority to deal with any given act or accumulation of acts which, in the judgment of the Committee, are severe enough to reflect discredit on the House";

Whereas, on October 6, 2004, the Committee on Standards of Official Conduct noted that a complaint before it alleged that Mr. DeLay used TRMPAC, the Texans for a Republican Majority PAC, to funnel corporate funds to Texas state campaigns in 2002 in violation of the Texas election code, and, based on the information then in its possession, deferred action on the matter pending action by the Texas Grand Jury and the Texas District Attorney of TRMPAC's activities;

Whereas, on October 7, 2004, a Texas newspaper reported that a newly obtained memo indicates that Mr. DeLay had personal involvement in directing some of the fund-raising activities of TRMPAC for which three of Mr. DeLay's associates have been indicted by a Texas Grand Jury;

Whereas, in responding to the admonishments issued by the Committee on Standards of Conduct, Mr. DeLay displayed contempt for that Committee, for appropriate ethical standards, and for the House of Representatives by the public statements he made and which were made on his behalf: Now be it

*Resolved*, That the Committee on Standards of Official Conduct is authorized and directed to establish an Investigative Subcommittee to determine if there is substantial reason to believe that by his past and continuing conduct Mr. DeLay has violated the Code of Official conduct or other relevant laws, rules or regulation; and be it further

*Resolved*, That the Committee on Standards of Official Conduct retain a Special Counsel to assist in its investigation.

The SPEAKER pro tempore (Mr. SIMPSON). In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

#### MOTION TO TABLE OFFERED BY MR. BLUNT

Mr. BLUNT. Mr. Speaker, the minority leader did not extend the normal courtesy of notifying the majority of her resolution, and I move to table the resolution so we can go back to the business of debating the defense conference report.

The SPEAKER pro tempore. The motion that the resolution be laid on the table is not debatable.

The question is on the motion to table offered by the gentleman from Missouri (Mr. BLUNT).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 182, answered "present" 5, not voting 36, as follows:

Aderholt  
Akin  
Alexander  
Bachus  
Baker  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Beauprez  
Biggert  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Bradley (NH)  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burns  
Burr  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Chocola  
Coble  
Cole  
Collins  
Cox  
Crane  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeLay  
DeMint  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Dreier  
Duncan  
Dunn  
Ehlers  
Emerson  
English  
Everett  
Feeney  
Ferguson  
Flake  
Foley  
Forbes  
Fossella  
Franks (AZ)  
Frelinghuysen  
Garrett (NJ)  
Gerlach

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Becerra  
Bell  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Butterfield  
Capps

[Roll No. 526]

#### AYES—210

Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Goode  
Goodlatte  
Granger  
Graves  
Green (WI)  
Gutknecht  
Hall  
Harris  
Hart  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hyde  
Isakson  
Istook  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
Latham  
LaTourette  
Leach  
Lewis (KY)  
Linder  
LoBiondo  
Lucas (OK)  
Manzullo  
McCotter  
McCrery  
McCrery  
McHugh  
McInnis  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Moran (KS)  
Murphy  
Musgrave  
Myrick  
Nethercutt  
Neugebauer  
Ney  
Northup  
Nunes  
Nussle  
Osborne  
Ose  
Otter

#### NOES—182

Capuano  
Cardin  
Cardoza  
Carson (IN)  
Carson (OK)  
Case  
Chandler  
Clyburn  
Conyers  
Cooper  
Costello  
Cramer  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Deutsch

Oxley  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Pombo  
Porter  
Portman  
Pryce (OH)  
Putnam  
Ramstad  
Regula  
Rehberg  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Toomey  
Turner (OH)  
Upton  
Vitter  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

Holden  
Holt  
Honda  
Hooley (OR)  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Kanjorski  
Kildee  
Kennedy (RI)  
Kilpatrick  
Kind  
Kucinich  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Maloney  
Marshall  
Matheson  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre

McNulty  
Meehan  
Menendez  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Owens  
Pallone  
Pascarelli  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta

Sanders  
Sandlin  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Skelton  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

#### ANSWERED "PRESENT"—5

Delahunt  
Doyle  
Jones (OH)  
Mollohan  
Roybal-Allard

#### NOT VOTING—36

Ballenger  
Bass  
Boehlert  
Burton (IN)  
Clay  
Dooley (CA)  
Filner  
Ford  
Frank (MA)  
Gallegly  
Gephardt  
Greenwood  
Hinojosa  
Issa  
Johnson, E. B.  
Jones (NC)  
Kaptur  
King (NY)  
Klecicka  
LaHood  
Lewis (CA)  
Lipinski  
Majette  
Markey  
Matsui  
Meek (FL)  
Meeks (NY)  
Miller, Gary  
Norwood  
Ortiz  
Paul  
Quinn  
Radanovich  
Slaughter  
Tauzin  
Towns

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1858

Messrs. PORTMAN, KNOLLENBERG and WHITFIELD changed their vote from "no" to "aye."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BASS. Mr. Speaker, on Friday, October 8, 2004, I regrettably missed recorded vote numbered 526. Had I been present, I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 526, I was in my congressional district on official business. Had I been present, I would have voted "no."

#### PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I had to return to my district. Had I been present, I would have voted yes on rollcalls 512, 513, 514, 515, 517, 518, 520, 521, 522, 523, and 525. I would have voted no on rollcalls 516, 519, 524 and 526.